

**REMARKS/ARGUMENTS**

In response to the Office Action dated December 3, 2003, please consider the following remarks.

In the Office Action issued December 3, 2003, claims 1, 13, and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chong, U.S. Patent No.6,434,221 (Chong) in view of Dunn, U.S. Patent No.6,072,793 (Dunn). Claims 2-12, 14-24, and 26-36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chong in view of Dunn and further in view of admitted prior art.

Claims 1-36 are now pending in this application. Claims 1, 13 and 25 have been amended to clarify the subject matter that the applicant considers to be the invention.

Each of the claims now pending in this application is believed to define an invention that is novel and unobvious over the prior art. Favorable reconsideration of this case is respectfully requested.

The present invention is not anticipated by, nor obvious in view of, the references relied upon in the Office Action, as these prior art references do not disclose or suggest the claimed features of the present invention.

The Applicant respectfully submits that the present invention according to claims 1, 13, and 25 is not obvious over the combination of Chong and Dunn

because even if the combination of Chong and Dunn were made as suggested by the Examiner, the result would still not be the present invention as claimed.

Chong discloses a system and method for an integrated testing solution consisting of a Digital Subscriber Line Access Multiplexer (DSLAM), a Test Access matrix/switch (relay matrix) and a Copper Loop Tester (CLT). Chong refers to this as a Digital Subscriber Line Access And Network Multiplexer (DSLANTM). Chong also mentions the need for an external Main Distribution Frame (MDF), but one that is managed manually and locally at the MDF. As disclosed by Chong, the relay matrix routes redundancy bus signals to the CLT and/or a redundant xDSL modem card. The CLT performs tests to measure or determine subscriber loop electrical characteristics. Chong does not disclose or suggest switching out a connection of a first subscriber to the digital access multiplexer in response to an indication that the first subscriber has terminated service, as required by the present invention, for example, as recited by claim 1.

Dunn discloses an electronically controlled main distributing frame (ECMDF) that switches a subscriber line from a telephone switch to a modem pool when the subscriber wishes to access the Internet, and which switches the subscriber line back to the telephone switch to provide normal telephone service when the subscriber is not on the Internet. Dunn discloses that the ECMDF uses a reed switch network, which is capable only of establishing temporary connections having long hold times, and which provides a bypass for temporary use. Dunn

does not disclose or suggest switching out a connection of a first subscriber to the digital access multiplexer in response to an indication that the first subscriber has terminated service, as required by the present invention, for example, as recited by claim 1.

Therefore, even if Chong and Dunn were combined as suggested by the Examiner, the combination would still not disclose or suggest switching out a connection of a first subscriber to the digital access multiplexer in response to an indication that the first subscriber has terminated service, as required by the present invention, for example, as recited by claim 1.

Thus, the present invention, according to claim 1, and according to claims 13 and 25, which are similar to claim 1, are not obvious over the combination of Chong and Dunn.

The Applicant respectfully submits that the present invention according to claims 2-12, 14-24, and 26-36 is not obvious over the combination of Chong and Dunn and admitted prior art because even if the combination suggested by the Examiner were made, the result would still not be the present invention as claimed.

The combination of Chong and Dunn does not disclose or suggest switching out a connection of a first subscriber to the digital access multiplexer in response to an indication that the first subscriber has terminated service, as required by the present invention, for example, as recited by claim 1. The

admitted prior art does not cure this deficiency of the combination of Chong and Dunn. Thus, the present invention, according to claims 2-12, 14-24, and 26-36, are not obvious over the combination of Chong and Dunn in view of the admitted prior art.

In view of the above, it is respectfully submitted that the present invention is allowable over the references relied upon in the Office Action. Accordingly, favorable reconsideration of this case and early issuance of the Notice of Allowance are respectfully requested.

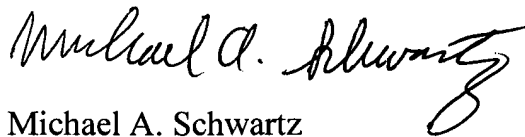
**Additional Fees:**

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 19-5127 (19176.0006).

**Conclusion**

In view of the foregoing, all of the Examiner's rejections to the claims are believed to be overcome. The Applicants respectfully request reconsideration and issuance of a Notice of Allowance for all the claims remaining in the application. Should the Examiner feel further communication would facilitate prosecution, he is urged to call the undersigned at the phone number provided below.

Respectfully Submitted,



Michael A. Schwartz  
Reg. No. 40,161

Dated: June 2, 2004

Swidler Berlin Shereff Friedman, LLP  
3000 K Street, N.W., Suite 300  
Washington, D.C. 20007  
(202) 424-7500